

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

FRED S. SILVERMAN  
JUDGE

NEW CASTLE COUNTY COURTHOUSE  
500 North King Street, Suite 10400  
Wilmington, DE 19801-3733  
Telephone (302) 255-0669

September 6, 2011

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1140 South State Street  
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RE: *State v. Terrance Caldwell*  
*ID # 1002003392*

**Upon Defendant's Post-Trial Motion for Judgment of Acquittal –  
DENIED**

Dear Counsel:

Defendant filed a timely motion for judgment of acquittal after he was convicted on June 30, 2011, for possession of cocaine<sup>1</sup> and driving a motor vehicle too slowly.<sup>2</sup> Two issues presented during the trial are re-presented here. First, was the chain of custody for the cocaine adequate? Second, was there enough evidence for the jury to find that Defendant knew he was driving a car with cocaine in the glove box?

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<sup>1</sup> 16 *Del.C.* § 4753.

<sup>2</sup> 21 *Del.C.* § 4171.

Diana P. Abboud, Deputy Attorney General  
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As to the chain of custody, it was not perfect. But the arresting officers, evidence custodian, and an assistant medical examiner testified about how the drugs were seized and maintained. There was sufficient evidence from which the jury could conclude, beyond a reasonable doubt, that the drugs entered into evidence were seized from the glove box of the car that Defendant was driving.

The jury's deliberations probably centered on the question of whether Defendant was aware that he was driving with drugs in the glove box. That was a somewhat close, factual question. The State presented a *prima facie* case by introducing evidence tending to prove that Defendant was driving a car in which drugs were found. Moreover, according to the police, when Defendant reached into the glove box to receive the car's papers, he seemed to reach past them and went deeper into the glove box, which supported an inference that he was trying to keep the contraband out of the police's view. Viewed in the light most favorable to the State, therefore, the jury could have found Defendant guilty of knowingly having cocaine within his control. And, therefore, he was not entitled to a directed verdict.

Then, Defendant testified. Thus, the jury was able not only to take the State's evidence into account, it was able to assess Defendant's denials. Having heard both sides, the jury unanimously agreed that Defendant knew he possessed cocaine, as alleged. Again, it probably was a close question, but the court cannot say as a matter of law that jury's assessment of all the evidence, including Defendant's story was wrong.

For the foregoing reasons, Defendant's motion for judgment of acquittal is **DENIED**.

**IT IS SO ORDERED.**

Very truly yours,

FSS: mes  
oc: Prothonotary (Criminal)